

DETAILED ACTION

Interview Summary

1. A telephone interview was conducted with applicant's representatives Steven M. Gruskin and his associate on 6/18/2008 regarding to the Specification filed on 2/3/2006. The front cover page of the specification filed 2/3/2006 is labeled as **ENGLISH**

TRANSLATION OF SPECIFICATION AS AMENDED BY ARTICLE 34

AMENDMENTS. Since the specification submitted is labeled as an English translation filed on 2/3/2006 after the WPIO publication, the amendment file under article 34 with this U.S. application is considered as an improper amendment according to the U.S. procedures. Therefore, the amendment was not considered in the Office action mailed on 6/5/2008. Applicant's representative argued that the amendment filed on 2/3/2006 is proper according to article 34. In view of applicant's argument and SPE Lincoln Donovan's instruction, the amendment filed as the English translation has been considered. Accordingly, the Office action mailed on 6/5/2008 is hereby withdrawn, and a new Office action is included as shown in the following paragraphs.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/3/2006 and 10/31/2006 comply with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. The amendment to the specification filed on 2/3/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a)

states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The new matters added on pages 7, 9-10, and 37-38. are not supported by the foreign document.

Applicant is required to cancel the new matter or high light the new matter on the foreign document to support the amended new matter in the reply to this Office Action.

Claim Objections

4. The original claims 1-7 filed on 2/3/2006 states claims 1-7, whereas the amended claims filed on 2/3/2006 show claims 1-6. Claim 7 was not being treated properly in the amended claims. It is not clear whether claim 7 has been canceled or not. So far as the claims are understood, claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-7 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al (7,118,601 with JP 2002-054001 filed on 2/28/2002) in view of Charles et al (6,330,837).

The patent to Yasui et al discloses a lower half body module of a bipedal walking robot comprising a base, a right foot and a left foot, a plurality of passive joints, and parallel link mechanism portions. See the figures. Whereas, the claims recite "passive joints" provided on the base and the right/left foot. However, the patent to Charles et al shows in figures 8, 9, and 11 parallel mechanism for platforms comprising passive joints

for connecting the platform. Prima facie case is made that Yasui et al use joints 14a and 14b having the similar function as the passive joints or universal joints. Knowing the function of the joints and looking for a replacement joint from one for another, it would have been obvious to one of ordinary skill in the art to provide Yasui et al with the passive joints as taught or suggested by Charles et al. The passive joints show the overturned U-shaped base as recited in the claims.

Communication Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /PAUL IP/ whose telephone number is (571)272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached on (571)-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Internet correspondence **MUST** be provided with a prior written authorization by applicant in the application file record giving the Office authorization to communicate with applicant via e-mail. Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/PAUL IP/
Primary Examiner
Art Unit 2837

6/20/2008

Application Number**Application/Control No.**

10/567,086

Examiner

/PAUL IP/

**Applicant(s)/Patent under
Reexamination**

BABA ET AL.

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